

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13331, of Edward Singletary, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the open court requirements (Sub-section 3306.1 and Paragraph 7107.22) and from the prohibition against allowing an addition to a row dwelling which now exceeds the allowable percentage of lot occupancy (Paragraph 7107.21) to construct a second story addition to a non-conforming structure in an R-4 District at the premises 106 - 5th Street, N.E., (Square 815, Lot 28).

HEARING DATE: September 17, 1980

DECISION DATE: September 17, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the west side of 5th Street between A Street and Constitution Avenue and is known as 106 - 5th Street, N.E. It is in an R-4 District.
2. The subject site is 1,800 square feet in area and is rectangular in shape. The site is improved with a two story single family dwelling and basement.
3. The applicant proposes to construct a second story rear addition over an existing one story kitchen. The addition is to serve as a master bedroom suite with bathroom. The one story kitchen addition was constructed without a building permit prior to the applicant's purchase of the dwelling. The addition caused the property to exceed the lot occupancy requirements and make it non-conforming.
4. The applicant requests a variance of 140.40 square feet from the lot occupancy requirements and 1.95 feet from the open court requirements. The proposed addition will be 13.95 feet by twenty feet.
5. The proposed addition will not increase the lot occupancy. The applicant will still have a rear yard of 32.40 feet and an open court of 4.05 feet. The proposed addition will not affect to any great degree the rights of the abutting properties to light and air.

6. Advisory Neighborhood Commission - 6B, by letter of September 15, 1980, reported that the ANC had unanimously recommended that the application be approved. The ANC reported that it heard of no neighborhood opposition and that both abutting neighbors supported the application in addition to D.C. Councilwoman Betty Ann Kane who is a neighbor at 118 - 5th Street, N.E. The ANC reported further that it was of the opinion that the requested variances would in no way be detrimental to the public good and would not impair the intent, purpose and integrity of the zoning plan. The Board so finds.

7. There was no opposition to the application at the public hearing or of record.


CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking area variances, the granting of which requires a showing of a practical difficulty upon the owner of property that is inherent in the property itself. The Board concludes that the practical difficulty results from the construction of the first story addition which made the subject structure non-conforming. The Board notes that the proposed addition will not increase the lot occupancy and that the variance from the open court requirements is minimal. The Board notes further the lack of any opposition to the application. The Board further concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Theodore F. Mariani, Connie Fortune and William F. McIntosh to GRANT; Leonard L. McCants not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 24 NOV 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.